[20th January 1950

THE HON. DR. T. S. S. RAJAN :—" (a) The vacancies reserved for war service candidates in the cadre of Civil Assistant Surgeons, Class I (Men), and Women Assistant Surgeon, Class I, are 179 and 5 respectively and the vacancies dereserved for Civilian candidates are 86 for men and 3 for women.

" (b) The selection of war service candidates was made in accordance with the Madras Medical Service (War Service Personnel) Recruitment Rules, 1945, and that of civilians in accordance with the rules published with Notification No. 174 on page 475 of Part I of the *Fort St. George Gazette*, dated 1st June 1948.

" (c) The reservation of vacancies for war service candidates was made only till 31st March 1947.

" (d) The answer is in the affirmative.

" (e) Only for purposes of computing the age with reference to the age-limit prescribed for recruitment.

" (f) The answer is in the negative.

" (g) Seventy-four posts in the category of Civil Assistant Surgeons—Class I (Men) in the teaching and specialist departments and two posts in the category of Women Assistant Surgeon—Class I in the Gynæcological department were reserved for candidates possessing post-graduate qualifications or at least experience in the concerned speciality.

" (h) The answer is in the negative. Recruitment to the specialists' posts also was made only from among the temporary Civil Assistant Surgeon—Class I.

" (i) The Special Rules for the Madras Medical Service provide for the recruitment of candidates for appointment as Civil Assistant Surgeons—Class I only in certain special departments like Radiology department and the Chemical Examiner's department.

" (j) The reservation of a certain number of posts to candidates possessing post graduate qualification or experience in certain specialities was a departure from the normal recruitment rules. This had to be made owing to the grave dearth of qualified persons for holding posts in Specialist or teaching departments."

[* 110 Q.—

MR. PRESIDENT :—" The hon. Member Sri P. R. K. Sarma is not in his place. I will take up this question at the end."]

*Udayarpalayam Teacher Murder Case.*

* 111 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether the case against Sri B. Venkatachalam Pillai, M.L.A., of Tiruchirappalli, known as " Udayarpalayam Teacher Murder Case " has been withdrawn by the District Magistrate of Tiruchirappalli ;

20th January 1950]

(*b*) whether the Government directed the case to be proceeded with differing from the order of the District Magistrate and, if so, what the reasons therefor are;

(*c*) whether it is a fact that the Sessions Judge of Tiruchirappalli who tried the case, acquitted all the accused honourably; and

(*d*) what the total expenditure incurred by the Government is from the stage when it directed the prosecution of the accused to the time of the conclusion of the case ending in acquittal?

THE HON. SRI K. MADHAVA MENON :—" (*a*) The answer is in the affirmative.

" (*b*) On the material gathered by the C.I.D., the Government thought that the matter should be placed before a Court of Law for decision.

" (*c*) It is true that the accused were acquitted.

" (*d*) Rs. 16,601-8-0."

SRI B. BHIMA RAO :—" Sir, what made the Government to presume that the order of withdrawal by the District Magistrate was not proper?"

THE HON. SRI K. MADHAVA MENON :—" Certain prior reports and opinions of the District Magistrate were some of the reasons. Secondly the Government on consultation with their legal officers were satisfied that this was a matter which should be placed before a Court and not left to the decision of the District Magistrate."

SRI B. BHIMA RAO :—" Sir, was the report from the legal officers called for after directing the prosecution to be proceeded with?"

THE HON. SRI K. MADHAVA MENON :—" Not at all, Sir."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether the C.I.D., reports were before the District Magistrate when he ordered the withdrawal of the case?"

THE HON. SRI K. MADHAVA MENON :—" I cannot say, Sir."

SRI B. BHIMA RAO :—" Is it not subsequent to the order of the Government that the case should be proceeded with, that the C.I.D., investigated the case and sent their report, Sir?"

THE HON. SRI K. MADHAVA MENON :—" Not at all, Sir. The case was proceeded with after the C.I.D. investigation, and the District Magistrate recommended to Government the appointment of a Special Court and a Special Public Prosecutor. It is after the preliminary investigation of the case, the case was withdrawn."

SRI B. BHIMA RAO :—" May I know, Sir, the date on which the District Magistrate ordered the case to be withdrawn and the date when the Government directed the case to be proceeded with?"

THE HON. SRI K. MADHAVA MENON :—" Notice, Sir."

[20th January 1950

JANAB ABDUL LATIF FAROOKHI :—" Sir, was any explanation called for from the District Magistrate for ordering the withdrawal of the case? "

THE HON. SRI K. MADHAVA MENON :—" That is a confidential matter and cannot be disclosed."

SRI R. SURYANARAYANA RAO :—" Sir, was not the District Magistrate competent to withdraw the case under the statute? "

THE HON. SRI K. MADHAVA MENON :—" In my opinion, 'no', Sir."

SRI B. BHIMA RAO :—" Sir, was the District Magistrate transferred from his place telegraphically as soon as the news was published that the case had been ordered to be withdrawn by him? "

THE HON. SRI K. MADHAVA MENON :—" No, Sir."

JANAB ABDUL LATIF FAROOKHI :—" Has he been subsequently transferred, Sir? "

THE HON. SRI K. MADHAVA MENON :—" Subsequently number of District Magistrates and Collectors have been transferred, Sir."

SRI B. BHIMA RAO :—" In view of the fact that the accused has been honourably acquitted, do this Government consider it a fit case for awarding some compensation to him? "

THE HON. SRI K. MADHAVA MENON :—" There is no question of honourable acquittal. I find that the judge has acquitted him. If compensation is to be given in every case of acquittal, the Government cannot get on."

SRI R. SURYANARAYANA RAO :—" Sir, do the Government propose to go to the High Court for a review of the judgment of the Sessions Judge, because it has ended in acquittal and according to them the decision is not warranted by facts in their possession? "

THE HON. SRI K. MADHAVA MENON :—" It is not a question of review. It is a question of appeal against acquittal. If the Government are advised by their legal officers that it is necessary, and it is in public interests to do so, we may do it."

*Report on the localization of ayacut under the Kurnool-Cuddapah canal.*

* 112 *Q.*—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether the Government have completed their consideration of the report on the localization of ayacut under the Kurnool-Cuddapah canal;

(*b*) whether the Government will place the report on the table of the House to enable public opinion to express itself on the proposals contained in the report; and